

FILED 06 SEP 28 14:52 JEDC-ORE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JEFFERY WILLIAM OLNEY,

Plaintiff,

Civil No. 05-296-TC

v.

ORDER

DR. HARTWIG, et al.,

Defendants.

COFFIN, Magistrate Judge.

Defendants' Motion for Reconsideration and Request for Additional Briefing (#37) is allowed. The Findings and Recommendation (#33) entered August 1, 2006, is hereby withdrawn.

Defendants' Motion for extension of time (to file objections) (#34) is denied as moot. Plaintiff's Motion to Object to State's Motion to Reconsider (#39) and (#42) are denied. Plaintiff's Motion for Appointment of Counsel (#40)

is denied.

Plaintiff is hereby advised: When a party you are suing makes such a motion that is properly supported by declarations (or other sworn testimony), you cannot simply rely on what your complaint says or make general allegations about what you may be able to prove. Instead, you must set out specific facts in declarations or other authenticated documents, that contradict the facts shown in the defendants' declarations and documents. If you do not submit your own evidence in opposition, and the defendants' evidence establishes that you did not exhaust your administrative remedies, defendants' motion to dismiss will be granted and your case will be dismissed.

Plaintiff is allowed 30 days from the date of this order to submit evidence in response to defendants' Motion to Dismiss (#26). Defendants are allowed 15 days from the date of any such submission to respond. The Clerk of Court is requested to re-set defendants' motion (#26) after the expiration of 45 days.

IT IS SO ORDERED

DATED this 28 day of September, 2006.

  
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Thomas M. Coffin  
United States Magistrate Judge